

ASSEMBLY BILL

No. 1501

Introduced by Assembly Member Niello

February 23, 2007

An act to amend Section 12950 of the Government Code, relating to fair employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1501, as introduced, Niello. Fair employment: sexual harassment education.

Existing law requires the Department of Fair Employment and Housing to provide employers with a poster and an information sheet regarding sexual harassment. Existing law also requires employers to post the poster in an accessible area of the workplace and either provide each employee with a copy of the information sheet or provide a specified minimum curriculum of sexual harassment education. Existing law also authorizes the department to order an employer's compliance with these requirements.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12950 of the Government Code is
- 2 amended to read:
- 3 12950. In addition to *the* employer responsibilities set forth in
- 4 subdivisions (j) and (k) of Section 12940 and in rules adopted by

1 the department and the commission, every employer shall act to
2 ensure a workplace free of sexual harassment by implementing
3 the following minimum requirements:

4 (a) The department shall amend its current poster on
5 discrimination in employment to include information relating to
6 the illegality of sexual harassment. This amended poster shall be
7 distributed to employers when the supply of the current poster is
8 exhausted. One copy of the amended poster shall be provided by
9 the department to an employer upon request. The amended poster
10 shall be available at each office of the department, and shall be
11 mailed if the request includes a self-addressed envelope with
12 postage affixed. Multiple copies of the amended poster shall be
13 made available online by the ~~Department of Fair Employment and~~
14 ~~Housing~~ department. Each employer shall post the amended poster
15 in a prominent and accessible location in the workplace.

16 (b) Each employer shall obtain from the department its
17 information sheet on sexual harassment, which the department
18 shall make available to employers for reproduction and distribution
19 to employees. One copy of the information sheet shall be provided
20 by the department to an employer upon request. The information
21 sheets shall be available at each office of the department, and shall
22 be mailed if the request includes a self-addressed envelope with
23 postage affixed. Multiple copies of the information sheet shall be
24 made available online by the ~~Department of Fair Employment and~~
25 ~~Housing~~ department. Each employer shall distribute this
26 information sheet to its employees, unless the employer provides
27 equivalent information to its employees that contains, at a
28 minimum, components on the following:

- 29 (1) The illegality of sexual harassment.
- 30 (2) The definition of sexual harassment under applicable state
31 and federal law.
- 32 (3) A description of sexual harassment, utilizing examples.
- 33 (4) The internal complaint process of the employer available to
34 the employee.
- 35 (5) The legal remedies and complaint process available through
36 the department and the commission.
- 37 (6) Directions on how to contact the department and the
38 commission.
- 39 (7) The protection against retaliation provided by Section 7287.8
40 of Title 2 of the California Code of Regulations for opposing the

1 practices prohibited by this article or for filing a complaint with,
2 or otherwise participating in an investigation, proceeding, or
3 hearing conducted by, the department or the commission.

4 (c) The information sheet or information required to be
5 distributed to employees pursuant to subdivision (b) shall be
6 delivered in a manner that ensures distribution to each employee,
7 such as including the information sheet or information with an
8 employee's pay.

9 (d) Notwithstanding subdivisions (j) and (k) of Section 12940,
10 a claim that the information sheet or information required to be
11 distributed pursuant to this section did not reach a particular
12 individual or individuals shall not in and of itself result in the
13 liability of any employer to any present or former employee or
14 applicant in any action alleging sexual harassment. Conversely,
15 an employer's compliance with this section does not insulate the
16 employer from liability for sexual harassment of any current or
17 former employee or applicant.

18 (e) If an employer violates the requirements of this section, the
19 commission shall issue an order requiring the employer to comply
20 with these requirements.